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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,221

01/16/2004

Kenji Yoshioka

K-2141

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EXAMINER

PHU, SANH D

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,221	<b>Applicant(s)</b> YOSHIOKA, KENJI	
	<b>Examiner</b> Sanh D. Phu	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 1/12/07.

Accordingly, claims 1-14 are currently pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasner (2004/0142678), newly-cited.

-Regarding to claim 1, see figures 1-5, Krasner discloses an emergency report terminal device (10, 16) (see figure 1) mounted in a vehicle (14) for performing an emergency report communication process via a cellular phone network (24) to call an emergency report center (28) in the event of an emergency (see [0041-0047]), transfer positional information about said vehicle, and establish voice communication to convey information about the

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emergency (see [0043–0045, 0061, 0078]), said emergency report terminal device comprising: built-in wireless communication means (16, 10) for performing said emergency report communication process (see [0041–0047]); and control means (comprising (48)) (see figure 3) for transmitting information about the emergency to said emergency report center when data is transmitted by said built-in wireless communication means (see [0048–0067]).

Krasner does not teach whether the control means transmits a phone number of a cellular phone, not in communication with said emergency report terminal device, to said emergency report center when data is transmitted by said build-in wireless communication means, as claimed.

However, Krasner teaches that the transmitted information about the emergency might comprise name of the subscriber of emergency report terminal device, a wireless mobile telephone number of the subscriber and additional information useful for the emergency report (see [0071, 0080, 0085, 0087]).

It would have been obvious for a person skilled in the art to implement Krasner invention in such a way that the transmitted information about the

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emergency would include the wireless mobile telephone number of the emergency report terminal device's subscriber being a cellular phone number (if the subscriber's wireless telephone is a cellular phone), and/or name of the driver driving the vehicle and a wireless mobile telephone number of the driver so that such information might expedite the process of identifying persons involved and notification to appropriate persons.

With such the implementation, Krasner teaches the control means transmits the phone number of the cellular phone of the subscriber and/or the phone number of the cellular phone of the driver, (said cellular phones inherently not in communication with said emergency report terminal device during the emergency report communication process (see figure 1)), to said emergency report center when data is transmitted by said build-in wireless communication means, as claimed

-Regarding to claim 2, see [0080-0085], Krasner teaches that the data to be transmitted to said emergency report center includes the vehicle's unique number (see (98) of figure 5), current positional information (see (96) of figure 5), date/time of acquisition of said current positional information (see (92) of

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figure 5), and information about one or more causes of triggering the emergency report communication process (see (94) of figure 5).

Krasner does not disclose that the data to be transmitted to said emergency report center includes the emergency report terminal device's unique number, information about a route traveled by the vehicle, and dates/times of information about a route traveled by the vehicle, dates/times of traveled route point recordings traveled route point recordings, as claimed.

However, Krasner teaches that the data to be transmitted to said emergency report center might include additional information useful for the emergency report (see [0071, 0087]).

It would have been obvious for a person skilled in the art to implement Krasner invention in such a way that the data to be transmitted to said emergency report center includes additional information, e.g., the emergency report terminal device's unique number, information about a route traveled by the vehicle, and dates/times of information about a route traveled by the vehicle, dates/times of traveled route point recordings traveled route point

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recordings so that such information would aid in collecting helpful information for the emergency report.

-Regarding to claims 3 and 4, as applied to claim 1, Krasner discloses operating input means (inherently included in (10)) for acquiring the phone number of the cellular phone of the subscriber or the cellular phone of the driver (see figures 1, 5, [0080, 0085]).

-Regarding to claim 13, Krasner discloses that the control means inherently comprises means capable for wireless communication with the cellular phone of the subscriber or the cellular phone of the driver when the control means is implemented in a cellular phone (see [0047]).

*Allowable Subject Matter*

4. Claims 9-12 and 14 are allowed.
5. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

6. Applicant's arguments filed 1/12/007 have been fully considered. Claims 5-12 and 14 are now indicated allowable set forth above. However, claims 1-4 and 13 are deemed not allowable because of reasons set forth in this Office Action.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In



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no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu  
Examiner  
Division 2618

SP

SANH D. PHU  
PATENT EXAMINER

2/5/07

